

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Patent Application of: |) | Mail Stop Petition |
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| Karl PFLEGER |) | Group Art Unit: 2166 |
| |) | |
| Application No.: 10/813,229 |) | Examiner: I. Woo |
| |) | |
| Filed: March 31, 2004 |) | |
| |) | |
| For: SYSTEMS AND METHODS FOR |) | |
| SORTING AND DISPLAYING |) | |
| SEARCH RESULTS IN MULTIPLE |) | |
| DIMENSIONS |) | |

PETITION FROM RESTRICTION REQUIREMENT
UNDER 37 C.F.R. § 1.144

U.S. Patent and Trademark Office
Customer Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Examiner's final requirement for restriction, contained in the Office

Action dated November 6, 2006, Applicant submits the following remarks:

Remarks begin on page 2 of this paper.

REMARKS

Applicant hereby respectfully petitions the Commissioner, in accordance with 37 C.F.R. §1.144, to instruct the Examiner to withdraw the restriction requirement, made final in the Office Action dated November 6, 2006.

In the Restriction Requirement, dated September 21, 2006, the Examiner required restriction, under 35 U.S.C. §121, to one of claims 1-19 and 44-53 (Group I), claims 20-38 (Group II), claims 39 and 43 (Group III) and claims 40-42 (Group IV). In support of this restriction requirement, the Examiner asserted that the inventions of Groups I, II, III and IV are distinct because they are related as subcombinations usable together in a single combination. Applicant respectfully traverses the restriction requirement and submits that the Examiner has failed to provide sufficient examples of the distinctness of the inventions of Groups I, II, III and IV.

Under M.P.E.P. § 806.05(d), “two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually distinct from each other.” However, as further set forth in M.P.E.P. § 806.05(d), to demonstrate that the subcombinations are separately usable, “[t]he examiner must show, by way of example, that one of the subcombinations has utility *other than in the disclosed combination*” (emphasis added). The burden is on the Examiner to provide such an example. See M.P.E.P. § 806.05(d). Thus, to demonstrate that subcombinations are separately usable, the Examiner must show that the subcombinations have utility in a combination that is different than that disclosed in

Applicant's specification. Applicant respectfully submits that the Examiner has failed to satisfy this burden.

In the making the restriction requirement, the Examiner provided (pgs. 3 and 4) the following examples that the subcombinations are allegedly separately usable:

“[I]nvention I can be used receiving one or more search queries, searching stored data based on the one or more search queries to generate results, wherein the results are orderable by at least one search characteristic; and providing a document that includes a multi-dimensional graph of the results of the search, wherein at least one dimension of the multi-dimensional graph corresponds to the at least one search characteristic, which is querying and searching database.”

“Invention II can be used for designating a visual representation for each of the results, which is layout or designing for displaying.”

“Invention III can be used for plot visual representations corresponding to each of the results on a multi-dimensional graphical display, wherein at least one dimension of the multi-dimensional graphical display, which is plotting visual representations for emphasis.”

“Invention IV can be used for first activation area on the graphical user interface that displays graphical indicators associated with each of the results of the executed data search, wherein each of the graphical indicators, upon user selection, causes the display of additional data associated

with the selected graphical indicator, and wherein the first activation area plots the graphical indicators with respect to a multi-dimensional graph, which is displaying processing.”

The above assertions made by the Examiner for each of the groups merely restate the utilities that these groups have in the combination disclosed in Applicant's specification. In setting forth the alleged utilities of these different groups, the Examiner has merely copied substantial portions of Applicant's claims, which have clear descriptive support in the combination disclosed in Applicant's specification. Therefore, the Examiner's allegation of separate utility merely restates the utility that the inventions of Groups I, II, III and IV have in the combination disclosed in Applicant's specification, and not in a combination that is different than that disclosed in Applicant's specification. The Examiner, thus, has not provided an example that any of the subcombinations identified by Groups I, II, III or IV have utility other than in the combination disclosed in Applicant's specification, as required for demonstrating one-way distinctness under M.P.E.P. § 806.05(d).

Since the Examiner has failed to demonstrate one-way distinctness, Applicant respectfully requests that the restriction requirement be withdrawn. Applicant, therefore, respectfully petitions the Commissioner, in accordance with 37 C.F.R. § 1.144, to instruct the Examiner to withdraw the restriction requirement, made final in the Office Action dated November 6, 2006.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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